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COUNSEL FOR DAVID DELL'AQUILA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:	§	Chapter 11
	§	
NATIONAL RIFLE ASSOCIATION OF	§	Case No. 21-30085-hdh11
AMERICA AND SEA GIRT LLC	§	
	§	
Debtors.	§	Jointly Administered

**DAVID DELL'AQUILA'S OBJECTION TO DEBTORS' APPLICATION FOR
ENTRY OF ORDER PURSUANT TO SECTIONS 105(A), 327(E), 329 AND 1107(B) OF
THE BANKRUPTCY CODE AUTHORIZING AND APPROVING THE EMPLOYMENT
AND RETENTION EFFECTIVE AS OF THE PETITION DATE OF BREWER,
ATTORNEYS & COUNSELORS AS SPECIAL COUNSEL FOR THE DEBTORS AND
DEBTORS IN POSSESSION [ECF 84] AND JOINDER IN THE
UNITED STATES TRUSTEE'S OBJECTION [ECF 166]**

TO THE HONORABLE JUDGE OF THIS COURT

COMES NOW, David Dell'Aquila ("***Dell'Aquila***"), by and through his undersigned counsel, and hereby files this *Objection to Debtors' Application for Entry of Order pursuant to Sections 105(a), 327(e), 329, and 1107(b) of the Bankruptcy Code Authorizing and Approving the Employment and Retention Effective as of the Petition Date of Brewer Attorneys & Counselors as Special Counsel for the Debtors and Debtors in Possession [ECF 84]* (the "***Brewer Application***") and *Joinder in the United States Trustee's Objection to the Brewer Application [ECF 166]* (the "***Trustee's Objection***"), and, in support hereof, would respectfully show the following:

1. Dell'Aquila hereby objects to the Brewer Application, incorporates, adopts and joins in the arguments and relief set forth in the Trustee's Objection as if set forth in full herein, and reserves all rights to offer further objections and evidence to the employment and retention of Brewer Attorneys & Counselors ("***BAC***"), including the presentation of arguments and evidence at any hearing on the Brewer Application.

2. Without waiving any other objections and arguments, as noted in the Trustee's Objection, the Bankruptcy Code requires a debtor to employ professionals who are "disinterested" in the bankruptcy case.
3. However, the BAC is not disinterested in this case. According to the NRA's schedules, the NRA paid BAC \$17.5 million dollars during the 90-day preference period immediately preceding the filing of this bankruptcy case. *See* Stat. of Fin. Affairs [ECF 162]. The U.S. Trustee has suggested that these pre-petition payments may be fraudulent conveyances, which could possibly be recovered by the debtor NRA. Moreover, as noted by the U.S. Trustee, these payments, if not fraudulent, may also be recoverable as "preferences," because they preferred a particular pre-existing debt -- or creditor -- during the period immediately preceding the filing of this case.
4. In short, BAC has a significant conflict of interest with the debtor. If BAC is approved as special counsel, BAC could influence the NRA's position on whether to seek recovery of such payments -- even though recovery would clearly result in a substantial benefit to the unsecured creditors in the case.
5. Finally, even though an outside law firm determined that NRA management had authority to make payment to BAC, the same outside counsel also "advised 'it may well be in the [NRA]'s interest to obtain a full accounting of the Brewer firm's time charges to date.'" *See People of the State of New York v. The National Rifle Ass'n of Am., et al.*, Index No. 451625/2020 (Sup. Ct. N.Y. Cnty. 2020) at ¶ 462.

WHEREFORE, PREMISES CONSIDERED, Dell'Aquila respectfully requests that this Court deny the Brewer Application and grant any other further relief as the Court deems appropriate and just.

Dated: March 1, 2021

Respectfully submitted,

**BLACKWELL, BLACKBURN,
HERRING & SINGER, LLP**

/s/ Walter A. Herring

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**ATTORNEYS FOR CREDITOR
DAVID DELL'AQUILA**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically served via the Court's electronic case filing system upon all counsel of record on this 1st day of March 2021.

/s/ Walter A. Herring
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